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7 WILLIAM J. WHITSITT,
8 Plaintiff,
9 v.
10 WEST VALLEY STAFFING GROUP, et
al.,
11 Defendants.

12 Case No. 16-cv-07234-MMC
13 **AMENDED¹**
ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS AND CONTINUING
CASE MANAGEMENT CONFERENCE;
DIRECTIONS TO PLAINTIFF
14 Re: Dkt. No. 3

15 Before the Court is plaintiff William J. Whitsitt's complaint and application to
16 proceed in forma pauperis.

17 The filing fee to commence a civil action is \$400. A district court, however, may
18 authorize a plaintiff to commence a civil action without payment of the filing fee, if the
plaintiff demonstrates that he is "unable to pay such fee[] or give security therefor." See
28 U.S.C. § 1915(a)(1).

19 In his application to proceed in forma pauperis, plaintiff states he is not presently
20 employed and has not received any money in the past twelve months from a business,
21 profession, self-employment, stock, bond, royalty, rent payment, pension, annuity, life
22 insurance policy, or any government source. (See Application ¶¶ 1-2.) Plaintiff also
23 states that he has no cash, owns no assets, and only has one bank account, at an
24 unnamed bank, with a present balance of \$10.78. (See id. ¶¶ 5-7.) Plaintiff nevertheless
25 states that his monthly expenses total \$675 and he lists no outstanding debts (see id.
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28 ¹ The only amendments are to correct the year of the deadline to file a Joint Case Management Statement and the year in which the order was signed.

1 ¶¶ 8-9), which statements appear to be inconsistent with his statements that he has no
2 income or assets.

3 In light of the above-referenced inconsistencies in plaintiff's application, the
4 application is hereby DENIED.

5 If plaintiff wishes to proceed with the instant action, plaintiff must, no later than
6 February 24, 2017, pay the filing fee to the Clerk of the Court or file a new application to
7 proceed in forma pauperis that clarifies each of the above-referenced inconsistencies. If,
8 by February 24, 2017, plaintiff has not paid the filing fee or submitted a sufficient
9 application to proceed in forma pauperis, the Court will dismiss plaintiff's complaint
10 without prejudice.

11 Further, the complaint filed December 19, 2016, is, in its present form,
12 procedurally deficient in a number of respects. First, the complaint is missing the seventh
13 page, on which plaintiff apparently sets forth the basis of one of his claims. Second, the
14 complaint is essentially single-spaced, such that the text appears on more than 28 lines
15 per page. See Civil L.R. 3-4(c)(2) (providing text of any paper presented for filing "must
16 be double-spaced with no more than 28 lines per page, except for . . . footnotes and
17 [block] quotations"). Third, portions of the opposition appear to be written in a font that is
18 smaller than 12-point type. See id. (providing text of any paper presented for filing,
19 including "text of footnotes and quotations" may not be less than "12-point in the Courier
20 font or equivalent"). Accordingly, if plaintiff wishes to proceed with the instant action,
21 plaintiff is hereby DIRECTED to file, no later than February 24, 2017, a corrected version
22 of his complaint.

23 Lastly, in light of the above, the Initial Case Management Conference previously
24 scheduled for February 17, 2017, is hereby CONTINUED to May 26, 2017. A Joint Case
25 Management Statement shall be filed no later than May 19, 2017.

26 **IT IS SO ORDERED.**

27 Dated: February 8, 2017


MAXINE M. CHESNEY
United States District Judge